

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-217681

DATE: September 30, 1985

MATTER OF: Barbara J. Voss and Daniel D. Schultz

DIGEST:

National Park Service employees stationed at Saint Croix National Scenic Riverway, Wisconsin, may not be paid per diem for travel within the park prior to the date the riverway was subdivided into three districts for the purpose of establishing official duty stations for park employees.

The issue in this case is whether per diem may be paid for travel within the Saint Croix National Scenic Riverway, a federal reservation, prior to the date administrative action was taken to subdivide the riverway into three districts for the purpose of establishing official duty stations.^{1/} We hold that an intra-park per diem may not be paid since the travel was performed within the area comprising the Park Service employees' official duty station.

BACKGROUND

In the Spring of 1984 Ms. Barbara J. Voss and Mr. Daniel D. Schultz were hired as seasonal employees by the National Park Service at the Saint Croix National Scenic Riverway. The riverway is a Federal reservation encompassing 98 miles of the Namekagon River, 102 miles of the St. Croix River, and 52 miles of the Lower St. Croix River for a total of 252 miles of riverway. At the time the employees' claims arose the entire riverway was considered by the Park Service to be the duty station of all park employees.

Ms. Voss and Mr. Schultz were assigned to work in the vicinity of the park headquarters at St. Croix Falls, Wisconsin. On two occasions they were ordered to report to

^{1/} An authorized certifying officer with the National Park Service, Midwest Region, has requested an advance decision of the vouchers of Barbara J. Voss and Daniel D. Schultz.

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duty in the northern section of the park in the vicinity of Trego, Wisconsin. Trego is approximately 75 miles from St. Croix Falls. The employees, who were working 10-hour days, were expected to report for duty at 7 a.m.

During their first assignment from June 18 to July 3, 1984, the employees commuted to the Trego area on a daily basis. This involved a commuting time of 1-1/2 hours each way for Ms. Voss and 1-1/4 hours each way for Mr. Schultz. During the second assignment from September 10 to September 27, they were provided with Government furnished quarters. They remained in the Trego area on workdays and returned to their homes for the intervening weekend. The employees have been reimbursed for their mileage. However, their claims for a per diem of \$8 per day have not been paid in view of regulations which prohibit payment of per diem at an employee's duty station. The certifying officer has asked whether per diem nevertheless may be paid in these circumstances.^{2/}

DISCUSSION

The general statutory authority for payment of per diem is contained in 5 U.S.C. § 5702 (1982), and provides, in pertinent part, that an employee traveling on "official business away from his designated post of duty * * * is entitled to * * * a per diem allowance." The implementing regulations are found at Chapter 1, Part 7 of the Federal Travel Regulations (FTR) (Supp. 4, Aug. 23, 1982), incorp. by ref., 41 C.F.R. § 101-7.003 (1983). Consistent with the statute, FTR para. 1-7.6 provides that an employee may not be paid per diem or actual subsistence at his or her permanent duty station. The term "permanent duty station" is used synonymously with the term "official station" which is defined at FTR para. 1-1.3c(1) as follows:

^{2/} In one case, involving the White Sands Missile Range, we did allow per diem for an employee stationed at the Range who performed temporary duty at other places within the reservation but over 100 miles from the "post area" which was his normal duty area. Although the White Sands Missile Range had not been formally subdivided, the record indicated that, in fact, the "post area" had been well defined as an established duty area so as to be regarded as the employee's permanent duty station. B-161048, April 11, 1967. The separate duty areas in this case were not established in the same manner as the "post area" was in that case.

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"Official station and post of duty.-
Designated post of duty and official station mean the same. The limits of the official station will be the corporate limits of the city or town in which the officer or employee is stationed. If the employee is not stationed in an incorporated city or town, the official station is the reservation, station, or established area, or, in the case of large reservations, the established subdivision thereof having definite boundaries within which the designated post of duty is located."

From the standpoint of this regulation the boundaries of parks or reservations that are not within the corporate limits of a city or town are an employee's duty station. In the case of large parks where an employee's duties are not generally performed over the entire park area, the Park Service may officially designate a subdivision thereof with definite boundaries as being the employee's official duty station. In cases where the Park Service does not delineate a subdivision of a park with definite boundaries as being an employee's official duty station, the full park area in which an employee works is normally considered his official station. Ronald Erickson, B-213970, April 4, 1984.

The certifying officer has indicated that in 1984, when the particular claims arose, the St. Croix Riverway had not been officially subdivided into districts for the purpose of establishing official duty stations for Park Service personnel. Effective March 15, 1985, the riverway was officially subdivided into three districts and personnel actions subsequently were issued assigning Park Service employees to one of these three districts. The lower district includes park headquarters and takes in the Federal area of the Lower St. Croix River, northward to St. Croix Falls, Wisconsin. The southern district covers the major portion of the St. Croix River and extends from St. Croix Falls to a point just short of the juncture of the St. Croix and Namekagon Rivers. The northern district takes in the entire length of the Namekagon River and the uppermost portion of the St. Croix River.

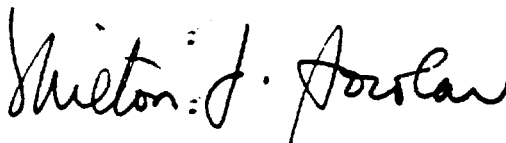
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Shortly after the riverway was subdivided into three districts, an intra-park per diem policy was established. A back-country per diem rate of \$8 a day is now authorized for overnight travel within the park where the Government provides lodging and cooking facilities in quarters and/or camping equipment and cooking utensils. For other travel within the park of 24 hours or less, a per diem of \$23 is authorized. Had the assignments for which Ms. Voss and Mr. Schultz claim per diem been performed after the new intra-park per diem policy took effect, each would have been entitled to per diem at the \$23 rate for the first assignment and per diem at the \$8 rate for the second assignment.

As precedent for paying the particular claims presented by Ms. Voss and Mr. Schultz, the certifying officer makes a general reference to payments of back-country per diem made prior to March 1985 to employees who traversed the riverway by boat or canoe and who camped along the shoreline by night. The authority cited by the certifying officer for such payments is the Park Service's Guidelines on Travel Policies and Procedures, which authorizes:

"Back-Country - A flat rate of \$8.00 per diem will be allowed to travelers while back-packing and/or camping away from their duty station. The temporary duty must be for 10 hours or more."

Since the riverway was not formally subdivided until March 15, 1985, the entire park was the duty station of all employees. Thus, prior to that date, per diem was not payable for travel within its geographic area, even under the above regulation.^{3/} For this reason, the per diem claims submitted by Ms. Voss and Mr. Schultz are disallowed.

for 
Comptroller General
of the United States

^{3/} The certifying officer has not referred to specific instances of back-country per diem payments made prior to March 15, 1985. Because of the relatively small amounts that would appear to be involved, we will not require an accounting for or collection of such erroneous payments as may have been made.